

Remarks

The final Office Action dated February 12, 2009 has been carefully considered. Claims 22, 24, 26-27, 31, 37-38, 50, 55, 57, and 69 have been amended without new matter. New claims 70 and 71 have been added. Reconsideration of the current claims is respectfully requested.

New claim 70 is directed to a combination of an absorber matrix and dexpanthenol, and new claim 71 is directed to a combination of an absorber matrix and an active substance selected from an allantoin, a recutita, an arnica, a biotin, a coenzyme Q10, a dexpanthenol, a honey or honey extract, an amino acid, a niacinamide, a vitamin C or its esters, a vitamin E or its esters, or any combination of any of the preceding.

Claim Rejections – 35 U.S.C. § 112 2nd Paragraph

In Paragraph 2 of the Office Action, claims 37 and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 37 and 55 have been amended to moot this rejection. Withdrawal of this rejection is respectfully requested.

In Paragraph 3 of the Office Action, claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 has been amended to moot this rejection. Withdrawal of this rejection is respectfully requested.

Claim Objections

In Paragraph 4 of the Office Action, claims 24 and 26 are objected to for the use of the term “of.” Claims 22 and 24 have been amended to moot this objection. Withdrawal of this objection is respectfully requested.

In Paragraph 5 of the Office Action, claim 27 is objected to for grammar. Claim 27 has been amended to moot this objection. Withdrawal of this objection is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

In Paragraph 7 of the Office Action, claims 22, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda et al. (US 2003/0004479).

Ueda et al. discloses compositions comprising a plant powder and a water-absorbent resin. The plant powder serves as an odor control agent. The current claims are directed to a water-absorbing polymer that includes an active substance that does not have a deodorizing effect. Hence Ueda et al. does not disclose or anticipate the current claims. In view of the current claims, it is requested that the rejection of claims 22, 24, and 25 as being anticipated by Ueda et al. be withdrawn.

Claim Rejections – 35 U.S.C. § 103

In Paragraph 11 of the Office Action, claims 22 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al.

As stated above, Ueda et al. discloses compositions comprising a plant powder and a water-absorbent resin wherein the plant powder serves as an odor control agent. The current claims are directed to a water-absorbing polymer that includes an active substance that does not have a deodorizing effect. Hence Ueda et al. does not disclose the current claims. In view of the current claims, it is requested that the rejection of claims 22, 24, and 25 as being unpatentable over Ueda et al. be withdrawn.

In Paragraph 12 of the Office Action, claims 22, 45 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. in view of Chmelir et al. (US 6,552,141).

As stated above, Ueda et al. discloses compositions comprising a plant powder and a water-absorbent resin wherein the plant powder serves as an odor control agent. The current claims are directed to a water-absorbing polymer that includes an active substance that does not have a deodorizing effect. Hence Ueda et al. does not disclose the current claims. Chmelir et al. is completely silent about any combination of the water-absorbing polymers disclosed therein with any care substances or wound-treating substances. Chmelir et al. is also silent about adding any active substances to the monomer solution or to the polymer gel.

Hence, taken together, Ueda et al. and Chmelir et al. fail to disclose the current claims. In view of the current claims, it is requested that the rejection of claims 22, 45, and 69 as obvious over Ueda et al. in view Chmelir et al. should be withdrawn.

In Paragraph 13 of the Office Action, claims 22, 24-27, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champ et al. (DE 10257002) in view of Ueda et al. (PGPub 2003/0004479).

Champ et al. discloses to treat the surface of foamed hydrogels, after having been dried, with a dispersion of a skin care agent. Champ et al. does not disclose the incorporation of the skin care substances in water-absorbing polymer particles and does not disclose to add the skin care substances to the monomer solution to the polymerization.

Hence, taken together, Champ et al. and Ueda et al. fail to disclose the current claims. In view of the current claims, it is requested that the rejection of claims 22, 24-27, 29, and 30 as obvious over Champ et al. and Ueda et al. should be withdrawn.

In Paragraph 14 of the Office Action, claims 22, 24-27, 29-40, 43-47, 50-57, 59-61, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champ et al. (DE 10257002) and Ueda et al. (US 2003/0004479) as applied to claims 22, 24-27, 29-30 and 69 above, and further in view of Kenndoff et al. (US 5,844,013).

As already set forth, neither Champ et al. nor Ueda et al. render it obvious for the person skilled in the art to combine skin care agents that do not have a deodorizing effect with water-absorbing polymer particles in such a way that the skin care agents are added to the monomer solution prior to polymerization. This is not suggested by Kenndoff et al.

Kenndoff et al. discloses a process for the production of polyurethane foams, characterized in that a covalently crosslinked polyurethane as a matrix, one or more polyhydroxyl compounds which are bound in the matrix by secondary valence forces, and fillers, and/or additives, a water-absorbing material and a non-aqueous foaming agent are combined and

mixed together and foamed (see claim 11). Kenndoff et al. further discloses that the polyurethane gel foams may serve as a matrix for active substances (see col. 1, lines 33-37). Thus, when studying the disclosure of Kenndoff et al., a person skilled in the art would have incorporated any active substance in the polyurethane gel, but certainly not in the particulate water-absorbing polymer, as required by claim 31 (“...wherein at least the particulate water-absorbing polymer comprises the active substance”).

Hence, taken together, Champ et al. and Ueda et al. as applied to claims 22, 24-27, 29-30 and 69 above, and further in view of and Kenndoff et al. fail to disclose or suggest the current claims. In view of the current claims and the foregoing comments, it is requested that the rejection of claims 22, 24-27, 29-40, 43-47, 50-57, 59-61, and 69 as obvious over Champ et al. and Ueda et al. in view of Kenndoff et al. should be withdrawn.

In Paragraph 15 of the Office Action, claims 22, 24-27, 29-47, 50-61, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champ et al., Ueda et al., and Kenndoff et al. as applied to claims 22, 24-27, 29-40, 43-47, 50-57, 59-61, and 69 above and further in view of Morman et al. (US 5,883,028).

As previously stated, Champ et al., Ueda et al. and Kenndoff et al. fail to disclose or suggest the invention as set forth in the current claims of combining skin care agents that do not have a deodorizing effect with water-absorbing polymer particles in such a way that the skin care agents are added to the monomer solution prior to the polymerization. This feature is not suggested in Morman et al., which discloses breathable elastic laminate of a film and a nonwoven web.

Therefore, in view of the current claims and the foregoing comments, it is requested that the rejection of claims 22, 24-27, 29-47, 50-61, and 69 as obvious over Champ et al., Ueda et al., and Kenndoff et al. as applied to claims 22, 24-27, 29-40, 43-47, 50-57, 59-61, and 69 above and further in view of Morman et al. should be withdrawn.

Conclusion

In light of the amendments and remarks presented herein, Applicants submit that the present application is in condition for allowance, and such action is respectfully requested. If, however, any issues remain unresolved, the Examiner is invited to telephone Applicant's counsel at the number provided below.

Respectfully submitted,

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